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ABSTRACT

After World War II, the newly federated Yugoslav government promised equality to the country's many different ethnic and religious groups. The 1974 Constitution guaranteed every citizen his or her free expression of belonging to a "nation" or "nationality," the free expression of his or her ethnic culture, and the freedom to use its language or script. As a result, many injustices were eliminated, as the example of the Macedonians attests. They, like many other groups, have experienced a rebirth of national and cultural identity. All problems, however, have not been eliminated. The quality of life for Albanians living in the province of Kosovo has improved radically, and they are well represented in local government. But with the consequent rise in Albanian nationalism, problems were created for other minority groups occupying the same province: Affirmative action programs intended to assist the Albanians resulted in reverse discrimination against Serbs, Turks, and other groups. Gypsies represent another problem. The Yugoslav Constitution does not recognize them as an ethnic group, and they belong to the poorest sector of Yugoslav society. The Gypsies declare themselves Yugoslavs and should therefore be accorded nationality status, with all accompanying constitutional rights. Affirmative action programs in education and employment, aimed at improving the lot of Gypsies and other groups with no consititutional status, are important. Thus, despite its pretensions to ideological and political homogeneity, Yugoslav society is conflictive, and measures taken to date do not mean that the present situation is satisfactory. (KH)

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AFFIRMATIVE ACTION:

THE YUGOSLAV CASE

by

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AFFIRMATIVE ACTION: THE YUGOSLAV CASE

Trivo Indjic

Yugoslavia was founded as an independent state of Southern Slavs in 1918, following World War I. Up until 1941, it was a monarchy with a highly centralized political and administrative structure and numerous internal tensions due to the unresolved problems of its ethnic, religious, and cultural minorities. Some ethnic groups--for example, the Macedonians --lacked basic national rights, such as the right to use their own language in schools and public administration. The concept of a federated Yugoslavia, put forth by all progressive political movements of Southern Slavs, was rejected in favor of a rigidly centralized monarchy; such was the notion of "one people with three names" (Serbs, Croats, and Slovenes). In the so-called Vidovdan Constitution of 1921, the right of Macedonians, Montenegrins, Muslims and other national minorities to a separate ethnic and cultural identity was not recognized. This conflict between national centralism and the tendency toward federalization of the country constitutes a distinctive characteristic of Yugoslavia and will long continue to represent the focus of the divisive forces within its framework.

Yugoslavia is also the site of diverse religious communities and influences: in the western half of the country, Catholics and Protestants are prevalent, while in the central and eastern regions followers of the Muslim and Eastern Orthodox faiths are more numerous. Religious intolerance and divisions have often had significant political consequences, particularly during World War II.

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Various cultural communities coexist in the Yugoslav geographical and historical sphere. Alongside the traditional Slav peoples (Serbs, Croats, Slovenes, Mecedonians, and Montenegrins), there are other natives of subsequently formed cultural groupings (Albanians, Turks, Muslims), as well as numerous other ethnic minorities (Italians, Hungarians, Bulgarians, Rumanians, Ruthenians, Jews, Slovaks, etc.).

The historical divisions--political and ideological--in addition to the intervention of the Great Powers in the Balkan Peninsula, and the religious and cultural conflicts, profoundly affected the peoples of Yugoslavia. The foundations for a new, republican, and federal Yugoslavia were set up in the course of World War II, in the common struggle against the Germans and other occupying forces and their collaborators, a struggle in which every 10th Yugoslav lost his or her life. The Constitution of 1946 declared Yugoslavia to be a federal republic from which all forms of ethnic, religious, or other discrimination would be excluded.

From that time begins the ethnic rebirth of all Yugoslav peoples and national minorities. Church and state were made separate, schools were removed from church jurisdiction, and all national languages were made equal before the law. Yugoslavia became a federation composed of six sovereign state republics and two autonomous provinces: Bosnia-Herzegovina, predominantly inhabited by Serbs, Muslims, and Croats; Montenegro, where Montenegrins constitute the majority of the population; Croatia, with Croats as a nation; Macedonia with Macedonians; Slovenia with Slovenes; Serbia with Serbs; and two autonomous provinces, Kosovo and Vojvodina, contributing to the composition of Serbia. The autonomous regions are territories where the members of national minorities predominate: Albanians, Turks, and Muslims in Kosovo, and Hungarians, Rumanians, Ruthenians, and Slovaks in Vojvodina. The term "national minorities" became interchangeable at the close of the 1960s with the term "nationalities." In this manner, it was sought to avoid the negative connotation of the concept of "minority" and to underscore the fact that those population groups in Yugoslavia, that in an ethnic and national sense form part of the populace living in other neighboring states, represent an active and equal factor within the Yugoslav community. That is, they enjoy the same ethnic, economic, political, and cultural rights as the major "nations" or peoples of Yugoslavia. The Federal Constitution of 1974 and the republican and particularly provincial constitutions of the same year define the numerous civil rights and freedoms of the diverse "nationalities" very precisely. Aside from the constitutional categories of "nation" (i.e.,

one of the more numerous ethnic groupings or national majorities) and "nationality" (a national minority), there also appears the term "ethnic group," a differentiation of which from the first two categories is insufficiently clear. As to the types and scope of the constitutional rights for these three categories of the Yugoslav population, there are no differences. There exists, in fact, only one distinction: as opposed to a "nation," neither a "nationality" nor an "ethnic group" can constitute a separate state within the framework of the Yugoslav federation, since they represent demographic fragments of peoples composing sovereign states beyond the borders of Yugoslavia. This distinction was particularly emphasized on the part of official circles at the time when Albanian separatists in Kosovo, in 1981 and 1982, demanded that their autonomous province be made a republic, that is, that it be accorded republican status in the framework of Yugoslavia. The problem with that resides in the fact that federal republics, as sovereign states, possess the constitutionally guaranteed rights to self-determination and secession.

Yugoslavia is also a multilingual community. The three most generally spoken Slavic languages are Serbo-Croatian, Slovenian, and Macedonian, in addition to the series of other languages of the nationalities. There are two separate alphabets in use as well: Cyrillic and Latin. The country does not have a single official language or script. All languages and scripts are equal before the law, in public administration, schools, mass media, and the like.

Article 170 of the Yugoslav Constitution of 1974 declares that every citizen is guaranteed his or her free expression of belonging to a "nation" or "nationality," the free expression of his or her ethnic culture, and the freedom to use its language and script. The citizen is not required to declare himself or herself a member of any particular nation or nationality, nor is he or she required to define himself/herself in terms of membership in one or another nation or nationality. Any propagandizing or imposing of national inequality as well as any incitement to national, racial, or religious hatred and intolerance is unconstitutional and subject to fine (Articles 170 and 203).

The principle of proportional representation for the nations, nationalities, and ethnic groups in the organs of power (from the federal Parliament to the local, municipal assemblies) was also declared in the constitutions of the federal bodies. In addition to the standard legal ways to defend the rights to an ethnic and cultural identity (the regular courts and the Constitutional Court), the constitutions of several federal bodies envisioned the formation of special organs, councils, or commissions that would be concerned with the protection or enactment of constitutional principles dealing with the equality of nations, nationalities, and ethnic groups.

There is no doubt that the postwar Yugoslav policy of national equality yielded positive results and successes in correcting injustices and violations, both historical and political, that had been going on in this part of the world for decades, even centuries. In this regard, the example of the Macedonian people and their culture is very illustrative.

For centuries, the Macedonians waged a struggle for independence and their national and cultural identity, which was threatened by the irredentist intentions of neighboring countries (Byzantium, Ottoman Turkey, Bulgaria, Greece, and, during World War II, even Italy). Toward the end of World War II, within the framework of the Yugoslav community of peoples, the Macedonian language was proclaimed, in 1944, the official language of Macedonia. That same year, the Macedonians adopted a modern orthography, established a series of national cultural institutions, schools in the national language, etc. Shortly thereafter, a modern Macedonian literature, opera, theater, radio, and television were created, a university and a Macedonian Academy of Science were founded (1967), a dictionary of the Macedonian language was published (1961), as was a history of the Macedonian people. There was a previously unseen enthusiasm of national and cultural rebirth, of a small people (according to the 1981 census, Macedonians in Macedonia numbered 1,281,195) hastening to catch up with what had been denied them for centuries.

To the Macedonian example could be added many others, particularly those that speak of the rebirth of national minorities in Yugoslavia

(Albanians, Hungarians, Rumanians). All of these are situations in which the consequences of historical and other social differentiation can and should be corrected by means of a policy of affirmative action.

That which is specific to the Yugoslav experience is the fact that here the political system has actively stimulated and promoted change in those situations that would otherwise be corrected by measures of affirmative action. Suffice to review the Yugoslav body of legislation to be convinced of this. Of course, this does not mean that in practical, everyday life there are no problems and conflicts in which measures of affirmative action would not find universal applicability. We shall limit ourselves to only a few examples in this regard.

In recent years, Yugoslavia has had serious problems with a strong current of Albanian nationalism and separatism in the autonomous province of Kosovo. In that part of Yugoslavia, according to the population census of 1981, live 1.6 million people, whose percentages of the total are represented as follows: Albanians, 77.5 percent; Serbs, 13.2 percent; Muslims, 3.7 percent; Montenegrins, 1.7 percent; Turks, .8 percent; and others, 3.1 percent. In prewar, monarchical Yugoslavia, the Albanian minority had no official national identity, nor schools, nor any other kind of cultural institution in its own national language. The Albanians were among the most impoverished and backward inhabitants of the country, their women subordinated to patriarchal power. In the initial years following World War II, the average life expectancy in Kosovo was 45 years; by 1980, that figure had been extended to 68 years. While in 1947 80 percent of the population of the province lived in a rural setting, the corresponding figure for 1981 was only 42 percent. The Albanians hold the record birth rate in Yugoslavia, even by international standards. In the last 10 years, their birth rate has gone up 27.4 percent, and in Kosovo 52 percent of the population is under age 19. After the war, 85 percent of the inhabitants of Kosovo were illiterate, and it was then that the Albanians got the first primer in their own language. Today, every third inhabitant of that province receives an education. The first university department in Kosovo was founded in 1960. During the academic year

1980-81, there were 47,284 students enrolled at the University of Pristina, the capital of Kosovo. In 1979, there was a total student enrollment in Kosovo of 130,000 (the equivalent of 16 percent of the available labor force), while at the same time, 165,000 persons were employed in the social sector of the economy (corresponding to 20 percent of the total available labor force). The gradual overcoming of economic and cultural backwardness in this region of Yugoslavia is accompanied by the national rebirth of the Albanians, who, as we said, have "nationality" status in Yugoslavia. The Albanians, in accordance with their number, are proportionally represented in all the political organs and institutions of the province. In practical terms, that means that they are the majority group in Kosovo. Proportional representation has helped the Albanians to free themselves in the shortest possible time from historical and hereditary inequalities and discrimination and to emerge from their former political, economic, and cultural ghetto. Along with proportional representation as a measure of national equality, measures of affirmative action were carried out in practice, despite their not having been anticipated by any legislative regulations.

Thus, at the University of Pristina (the only university in Yugoslavia that has all of its instruction in the Albanian language, with corresponding instruction in Serbo-Croatian for students of Serbian and other nationalities), the enrollment of Albanian students was stimulated by giving them preferences at the time of application. For each student representing another nationality, 3.8 Albanian students were enrolled. This ratio is also valid for the 1981-82 school year, prescribed by university administration. The same criterion holds as well for the admittance to student residences and for the granting of stipends and credits to study. Within the context of this quota system, Albanian women were given preference. Today, at Kosovo's university every fourth student is a woman, and women comprise 40 percent of the student body in the School of Medicine.[1] By means of such an enrollment policy at the university, three-quarters of the students in Kosovo today are Albanian.

Similar examples can be found in other areas in which the Albanians enjoy support and favor. The daily newspaper Politika writes that textbooks in the Albanian language are less expensive than those in Serbo-Croatian, despite the fact that all inhabitants of Kosovo set aside the same percentage of their earnings for the advancement of education.[2] The financing of certain cultural activities also favors those of Albanian extraction. In 1981, for example, the Albanian literary journal Jeta e re was granted a greater subsidy per number of copies published (416,666 dinars) than the Serbian journal Stremljenja (275,000 dinars) or the journal of the Turkish nationality, Cevren (170,000 dinars in all).[3]

In Kosovo, there have also been examples of restriction of employment/job access according to knowledge of the Albanian language or membership in the Albanian nationality, as well as examples of requiring bilingualism in job competition in order to be hired. In January 1982, a factory manufacturing electric batteries held a competition for 138 jobs and hired 133 Albanians and only 5 Serbs. In the Kisnica and Novo Brdo mines, of 1,588 workers hired over the past four years, only 15 percent of the total hired in the former were Serbs and Montenegrins, while in Novo Brdo the percentage was only 13 percent. In the region containing both these mines, the majority of the population is comprised of Serbs. This type of hiring policy is the reason they are migrating out of the area in increasing numbers.[4] There have been so many such instances that a number of non-Albanian Muslims in Kosovo have declared themselves to be Albanians since, as they explain, this would enhance their chances of employment, of being included in the academic quota or, simply, it would facilitate their upward social mobility.[5]

It is difficult to obtain data dealing with such examples since they are grudgingly made public. In the Yugoslav legal system, there are no explicit precedents for fostering programs of affirmative action, particularly with regard to reverse discrimination. Such programs are, therefore, most often the result of informal agreements of lower bodies of the administrative hierarchy or power structure. Their juridical weakness

derives from that fact, in contrast with and opposition to the constitutional principle of the right of all to compete for public office under equal conditions and that all jobs are to be made available under conditions of equality.

In the case of Kosovo, the just promotion of the national and cultural identity of the Albanians wound up in exaggerations and abuses of the informally adopted measures of affirmative action. From 1968, the phenomenon of Albanian nationalism and separatism began to appear. Illegal political organizations were established that fought for Kosovo's secession from the Yugoslav federation and sought to have it made part of Albania. Some among these supported the notion of an "ethnically clean Kosovo," in which the Albanians would be the dominant group, particularly in the event of Kosovo's becoming a sovereign state of Yugoslav Albanians. The question was no longer, for example, why Pristina Television broadcasts the greater part of its programming in Albanian rather than in Serbo-Croatian, or why in the League of Communists of Kosovo the percentage of members of Serbian nationality in the leadership is less than its proportion in the membership of that ruling party.[6] The matter became an open and bitter confrontation of the Yugoslav federation with the escalating Albanian separatism in Kosovo. Rampant Albanian nationalism came to endanger the policy of national equality in Kosovo, even to endanger the existence of other nationalities. In the decade from 1971 to 1981, 57,059 Serbs and Montenegrins migrated out of Kosovo, and that trend remains today unabated. In the fall of 1981, at the University of Pristina, so few students enrolled for instruction in Serbo-Croatian that the continued existence of university instruction in that language was in doubt. During the first half of 1982, 1,929 Serbs and Montenegrins abandoned the capital of Kosovo, i.e., approximately 5 percent of the members of those ethnic groups living there. That means that 1 percent of the total number of Serbs and Montenegrins living in Pristina are migrating away from that city monthly. Kosovo is an example where some of the past wrongs done to the Albanians have been rectified, but where such preferential treatment has led to new wrongs.

Indisputably, in the Albanian case, preferential treatment, intended to correct the unjust situation created by previous policy, resulted in the strongest forms of reverse discrimination (according to Alan H. Goldman's definition). In contrast, however, the case of Yugoslav Gypsies unequivocably demonstrates the need for the government to implement certain measures of corrective preferential treatment.

Judging from the number of its Gypsies, Yugoslavia appears to be their major center of concentration outside of India. According to the recent population census (1981), the number of Gypsies in Yugoslavia--although findings are not as yet conclusive--totaled 148,604. According to the census of 1971, there were 78,485. The general consensus is that the recorded statistics do not reflect the actual number of Gypsies (the magazine NIN, June 7, 1980) because a number of them, due to their unresolved constitutional status, declare themselves as belonging to other nations and nationalities, as a phenomenon of ethnic mimicry. Nevertheless, the most recent census indicates above all a national Gypsy awakening as a consequence of their general emancipation. In Macedonia, the number of Gypsies in relation to the 1971 census went from 24,500 to 43,000. In Serbia, their numbers doubled, while in Vojvodina and Montenegro their totals increased 2.5- and 3.5-fold respectively. The general opinion is that this increment cannot be ascribed to a high natural population increase among the Gypsies, but rather to the fact that they are more frequently making public their spontaneous national feeling.[7]

Today, the Gypsies in Yugoslavia are fighting to have "nationality" status officially accorded them. The fact is that the status of the Gypsy is not expressly regulated in the constitutions of the republics and provinces, which comprise regulations regarding "ethnic groups." The Federal Constitution of Yugoslavia does not recognize the category of "ethnic group," but rather only the categories of "nation" and "nationality." The Yugoslav Constitution does not affirm who these nationalities are in Yugoslavia, but, conversely, the constitutions of the majority of the republics and autonomous provinces explicitly enumerate the individual nationalities, among which the Gypsies are nowhere to be found.

The Serbian Constitution, for example, in Article 194 guarantees the freedom of expression of membership in an ethnic group, the freedom to practice their culture and use their own language and script; and it provides for the establishment of an organization to ensure these rights. All constitutions at the republican level uphold these rights as individual rights of those belonging to ethnic groups, and not as rights of the collective, which would be the case for rights of a nationality.[8] The statutes of some municipalities that have members of ethnic minorities living within their jurisdiction contain detailed regulations regarding the rights of the members of these groups. For instance, a statute of the municipality of Tetovo (in Macedonia) includes a paragraph regarding the program that is broadcast over Radio Tetovo in the Gypsy language. The said statute states too that the municipality ensures to the members of ethnic groups living on its territory their proportional representation in corresponding bodies of municipal government.

The Gypsies of Yugoslavia, not merely numerically but in keeping with their characteristics, can be assigned to the category of "nationality"--such is the position and the demand of Gypsy intellectuals and organizations. There is no reason not to support this position, even more so if one takes into account the recent positive gains of the Yugoslav policy of equality for nations and nationalities. A change in constitutional status for the Gypsies would grant them much greater political and national identity, a more speedy resolution of their social problems, and would afford them a broader cultural self-affirmation.

In the Report of the Yugoslav Federal Presidency (No. 414, January 1981), it says that "all indicators dealing with the socioeconomic position of the Gypsies in Yugoslavia (employment, income, housing, education, etc.) point to the fact that their problem remains a serious basic social issue, since they belong to the poorest sector of Yugoslav society. In the large Gypsy families (average size; seven or more members) only one or, at the most, two family members have a steady job. And those who are employed, due to their low educational level and insufficient professional qualifications, most often hold the least remunerative jobs."[9] In the

town of Leskovac, for example, of 5,180 Gypsies, only 560 are employed; in Pristina, of 6,740 Gypsies, only 634 work; and in Bujanovac, of 3,500 Gypsies, only 50 hold jobs. The political organs in Serbia have shown the greater number of Gypsies to belong to the category of "socially endangered persons."[10] In one report, it states that Gypsies in the municipality of Cakovec, Croatia--including the women and children--wander en masse through the villages, scavenging food from the garbage cans, and often resorting to stealing crops, for lack of the basic means of subsistence. They live in mud-covered willow hovels. Such territorial segregation of Gypsies exists even in the most highly developed Yugoslav republic, Slovenia. These Gypsy settlements lack roads, running water, sewage systems, and often even electricity.[11]

For Gypsies, the way out of this situation lies in more education and higher employment. However, in order to be employed, they have to be literate, since almost all employers demand at least an eighth-grade education, but the majority of Gypsies can not fulfill this job requirement (the Constitution does not state that schooling is required in order to obtain employment). Thus the circle of poverty closes. The living conditions of Gypsy children make it necessary for them to "prepare for life" as early as possible, that they do whatever they can to help their families (begging, manual labor, menial part-time employment, etc.). For this reason, these children perform more poorly in school or drop out early. And those children that manage to enter school find themselves in an alien world. The schools they enroll in have instruction in a different, majority language. That is to say, the Yugoslav Gypsies do not have schools in their own language. Without a good knowledge of the language of instruction, Gypsy children are handicapped in advance. They are often sent to preparatory or specialized departments of the school and, in doing so, separated from the other children. In addition, it is a rare occurrence when a Gypsy child attends a preschool institution or kindergarten.

In the case of the Yugoslav Gypsies, therefore, the techniques and methods of an affirmative action program would be of vital import. The

administration should be pressured and urged to reach a resolution on the Gypsies' serious problems. Not only would it be a case in which preferential treatment would rectify past wrongs, but it also would aid in the creation of equitable prospects for all. Accordingly, it is difficult to accept the point of view expressed by Svetozar Tadic, president of the Council on Interethnic Relations for the Socialist League of Serbia (a popular-front organization), who states that "there is no need to speak of a specific Gypsy question; neither is there any need for, nor can there be, any particular approach to the problem" since in Serbia "all are equal and enjoy constitutional rights."[12] But this opinion is contradicted by another--one of the Gypsies themselves. As distinguished Yugoslav Gypsy intellectual Said Balic (present president of the World Organization of Gypsies) explicitly states: "It's clear that the Gypsies themselves cannot muster sufficient forces to effect their own complete equality in everyday life," adding that the Gypsies unquestionably need the help of political organizations of social emancipation.[13] In the absence of juridical and enforcement programs of affirmative action, Gypsy volunteer organizations (the so-called Gypsy associations) attempt, in collaboration with local administrative organs, to change the current state of affairs for the better.

The Gypsy associations are volunteer national organizations that assemble Gypsies with the aim of furthering the educational, cultural, and social status of Gypsies. They began to be formed when the Gypsies produced their first generation of intellectuals and active public employees, in the 1960s. These associations did a lot for bringing Gypsies together, for their national and cultural self-affirmation. They have functioned, however, more as a traditional pressure group than as a part of the institutional mechanism of the Yugoslav political system. Thanks to Gypsy intellectuals in Serbia, beginning in 1974 there have been regularly organized festivals of Gypsy cultural achievements, linking 40 cultural-artistic Gypsy associations. These associations have 6,500 amateur artists and about a hundred Gypsy writers. They are a center of ethnic and cultural emancipation of the Gypsies.

As long ago as 1947, a Gypsy intellectual in Yugoslavia published a dictionary of the Gypsy language; and in 1980, in Skopje (Macedonia), the first grammar text of the Gypsy language was published, written in the Gypsy alphabet, in an edition of 3,000 copies. Although this first edition is already sold out, its author had to wait six years for publication for lack of funds.[14] In 1981, the world's largest anthology of Gypsy poetry was published in Belgrade, and the Yugoslav Gypsies also have plays written in their language. All of these are, nonetheless, individual efforts. The broad support of the entire Yugoslav society is necessary, since the Gypsies still do not have printed works in their own language, schools in their own language, or newspapers in their language. Up until now, only Radio Tetovo and Radio Belgrade (Studio "B") have a daily half-hour program in the Gypsy language, and these are more of an experiment than a permanent solution. The paper The Gypsy Voice has ceased publication, due to lack of funding.

Moreover, there are a small number of Gypsies who are active in the administrative apparatus. One Gypsy activist from Nis (Serbia) emphasizes, for instance, that of 12,000 Gypsies in Nis, they have not one delegate on the municipal assembly, on the executive bodies of political organizations and associations. "The situation is similar in many other places, and that's also how it is at the republican and federal levels."[15] The Gypsy association in Pirot (Serbia) has a membership of some 6,000 and they do not even have a place to hold their meetings. The same situation exists in Vranjska Banja (Serbia), where 2,000 Gypsies live.[16] Many Gypsy associations (of which there are 80 nationwide) operate under impossible conditions.[17] Of the total number of Gypsies in Yugoslavia, only about a hundred are studying at the university level.

The example of the Gypsies drastically points to the urgent need for a program of affirmative action, even in those countries that have constitutionally declared the complete equality of all peoples and national minorities and have eliminated racial, religious, and social discrimination. Constitutional principles are one thing, while their practical application is a far more complicated matter. Practical life does not

allow us to be lulled into complacency by constitutional rhetoric, even when we are dealing with the constitution of a socialist country. The fact that the plight of the Gypsies is not unique in Yugoslavia can be seen from the case of those Yugoslavs who, at the time of census-taking, choose to declare themselves as "Yugoslavs."

In Yugoslavia, according to official records, there exist Serbs, Slovenes, Croats, Albanians, and a series of other nations and nationalities, but "Yugoslavs" do not exist either as a nation, a nationality, or as an ethnic group. According to the population census and the statistics, they are treated as "nationally undefined." The Yugoslav Constitution and the documents of the Communist League of Yugoslavia (the ruling, and the only, party in the country) do not recognize "Yugoslav" as an ethnic label, as the denomination of a people or as a supranational category.[18] In spite of that, there is a constant increase in the number of people in Yugoslavia who define themselves as "Yugoslavs." The 1971 census shows 273,077 Yugoslavs, while the last one, that of 1981, records 1,219,024 Yugoslavs. That is 5.4 percent of the total population of Yugoslavia. Most often those who declare themselves as "Yugoslavs" are those who are offspring of ethnically mixed marriages, but there are also those who consider ethnic distances in Yugoslavia to be minimal and who think that traditional ethnic tensions can only be overcome by a feeling of belonging to one vast community. However, this group of the Yugoslav population is all too often accused of promoting unitarianism, centralism, hegemony, or the forcible integration of those independent components of the Yugoslav federation. They are accused of being the creators of a supranation that seeks the mandatory assimilation of other Yugoslav peoples and nationalities, etc. There are more than a few Marxists who indicate that the existence of "Yugoslav" as a nation, supranation, internation, or any other ethnic formulation is "unscientific," "un-Marxist," and the like. Those who define themselves as "Yugoslavs" defend their right to an ethnic specificity, to be Yugoslavs; and they demand the right to and dignity of their self-classification be acknowledged.[19] In any event, the debate between them

and their opponents continues and, apparently, will last for a long time.

We personally can see no reason that those who declare themselves to be Yugoslavs should not be accorded "nation" or "nationality" status, with all the constitutional rights that correspond to those categories (including the right to proportional representation in the organs of administration or the right to the creation of their own national institutions). Ethnic processes are not static, to be completed once and for all. The ethnic homogenization of Yugoslavia, mixed marriages, the effect of internal migration, the desire to transcend narrow regional, ethnic, or linguistic boundaries, are dynamic factors of a developed, economically and politically integrated society such as that of Yugoslavia. It is for this reason that we believe the recognized positive experiences of the affirmative action program should apply.

Other groups that do not enjoy any constitutional status in Yugoslavia are the Ukrainians (approximately 13,000) and the Vlachs or Aromanians (32,071). In 1890, the Ukrainians settled in Bosnia, and from there they spread to other regions of the country. They already had a strong national consciousness upon their arrival, and even today they call themselves Ukrainians and speak Ukrainian. Related to them, the Ruthenians possess nationality status in Vojvodina, and the Ruthenian language is one of the five official languages of that province. And while the Ruthenians have schools in their own language, their own radio and TV program, their publisher and press, the Ukrainians are still deprived of those advantages and frequently treated like a branch, an extension, of the Ruthenian nationality. The Ruthenians came to the Balkan Peninsula in 1746 from the northeast part of the former Austro-Hungarian Empire (what today is eastern Slovakia). The Ruthenians kept their language and the name of Ruthenians, although in their ancestoral homeland, Czechoslovakia, they are not recognized as a national minority. Despite the ethnic and linguistic similarity of those two groups, the differences between them are clear. Since the Ukrainians are members of an ethnic group with unfavorable status, certain elements of protective

discrimination could be applied to their benefit.

The Vlachs or Aromanians are remnants of Roman settlers who came to the Balkans prior to Slav colonization. Even today, they have conserved their language and a consciousness of their ethnic identity. They have no schools in their language, no press, cultural institutions, or the like. Therefore, their integration in society is made significantly more difficult, as in the case of the Gypsies. Systems of preferential treatment characteristic of affirmative action should be applied to alleviate their plight.

From all the examples mentioned, we can see that Yugoslav society is a conflictive society, despite its pretensions to ideological and political homogeneity. The constitutional category of proportional representation of its ethnic groups in all spheres of public and political life, as well as the proclaimed civil rights and freedoms for all, or the protection against all forms of discrimination, in no way means that the present situation is totally satisfactory. The constitutional norm with regards to proportional representation is at times not attained. For instance, in Croatia, the members of nationalities make up 2.3 percent of the total population, while they are only represented by 1.9 percent of the delegations to the municipal assemblies, 1.4 percent of those in municipal executive bodies, and only 0.5 percent in administrative organs at the municipal and republican levels.[20] As a result of its ethnic composition, it is understandable that Yugoslav society is sensitive to all forms of "enumeration" and estimates based on an ethnic criterion. One could say that the matter of interethnic relations and their reflection upon the political system, upon the distribution of ethnic groups in the power structure, upon economic or cultural life, is a taboo subject, judging from the absence of serious sociological analysis. In Yugoslav specialized literature, there are no works on affirmative action nor any discussions on positive discrimination. As we have noted, the constitutional system does not recognize the category of preferential quotas for any disadvantaged minority. The official policy of "Brotherhood and Unity" leaves the practical correction of constitutional principles to the

local administration or to the sole political organizations recognized by the Constitution (the League of Communists and the Socialist Alliance). Thus, the only existing forms that in a way resemble affirmative action programs could be found at the level of the local organs of government.

We hope that the undeniable need for a program of affirmative action, even in those societies that are ideologically and politically monolithic, has been demonstrated by our analysis.

NOTES

1. Cf. Politika, June 17, 1981; NIN, December 21, 1980, and April 4, 1981.

2. Politika, January 7, 1982.

3. Politika, January 18, 1982.

4. Cf. Politika, June 27, 1981, December 2, 1981, and January 8, 1982; Borba, June 25, 1981; NIN, July 18, 1981.

5. NIN, June 14, 1981.

6. Borba, June 13, 1981, and February 5, 1982.

7. It is assumed that there are about 1 million Gypsies in Yugoslavia (Borba, June 21, 1982). Cf. NIN, February 21, 1982, and May 17, 1981; Ilustrovana politika, June 9, 1981; Saopstenje SZ statistiku, no. 39, February 19, 1982.

8. Rajko Djuric in NIN, July 13, 1980, and March 1, 1981.

9. Komunist, November 16, 1979.

10. NIN, July 13, 1980.

11. NIN, July 13, 1980; Intervju, June 25, 1982.

12. Politika ekspres, February 27, 1980.

13. Politika ekspres, April 12, 1982.

14. Politika, January 14, 1980; Vecernje novosti, September 30, 1980.

15. Sait Balic in Politika, December 13, 1979; Dragoljub Ackovic in Intervju, June 25, 1982.

16. Sloboda, March 14, 1981; Vranjske novine, March 6, 1981.

17. Politika, December 13, 1979.

18. See Declarations in Politika ekspres, March 23, 1981, and February 7, 1981; also NIN, July 27, 1980.

19. NIN, January 11, 1981; Politika, May 31, 1982.

20. Borba, September 24, 1980.